

NEWS

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FOR IMMEDIATE RELEASE

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Ex-Passaic County Sheriff's Department Detective-Sergeant
Gets 85 Months for Conspiring to Steal Cocaine from Evidence Vault

(More)

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NEWARK – A former detective-sergeant of the Passaic County Sheriff's Department who was also a former Haledon Borough council member was sentenced today to 85 months in federal prison for conspiring to distribute significant quantities of cocaine that he had stolen from the evidence vault at the Sheriff's Department, Acting U.S. Attorney Ralph J. Marra, Jr. announced.

U.S. District Judge Jose L. Linares rejected the request from Alan Souto to be allowed to surrender at a subsequent date to begin serving his sentence and instead ordered him to prison immediately. In doing so, Judge Linares cited the seriousness of Souto's crimes, the long prison sentence, and his status as a former law enforcement officer as incentives to flee.

Souto, 40, pleaded guilty before Judge Linares on Dec. 4 and admitted that he received proceeds totaling at least \$250,000 from the sale of the cocaine by others participating with him in the conspiracy. Souto stipulated in his plea agreement that the amount of stolen drugs was at least 43 kilograms (94.6 pounds) of cocaine and 700 grams of heroin.

Souto pleaded guilty to a one-count criminal Information charging him with conspiracy to distribute, and possession with intent to distribute, 5 kilograms or more of cocaine.

"Souto committed an egregious violation of his sworn duty to uphold the law," said Marra. "This was a serious crime deserving of a severe sentence."

"Mr. Souto was certainly a man who knew better," said FBI Special Agent in Charge Weysan Dun. "But once again, we have an example of a public official – a law man and former councilman – putting his own interests before those of the public. This sentence was a fitting one and we commend the Passaic County Prosecutor's Office and particularly, the Passaic County Sheriff's Office for doing the difficult job of helping the FBI bring one of their own to justice. They have proven to the citizens of Passaic County that no one is above the law – not even those sworn to uphold it."

At his plea hearing, Souto admitted that beginning in about August 2007, he repeatedly stole multi-kilogram quantities of cocaine from the Sheriff's Department evidence vault and arranged for the delivery of the cocaine to other co-conspirators' who, in turn, would arrange for distribution of the narcotics in Passaic County and elsewhere.

Souto was first arrested in March on charges brought by the Passaic County Prosecutor's Office, which then referred the matter for federal prosecution and has continued to assist in the investigation.

Souto told Judge Linares that he was assigned to the Sheriff's Department Evidence

Bureau and had 24-hour access to the evidence vault. Among the procedures he supervised was the destruction of evidence after a case and its related appeals were completed. Destruction of drugs occurred during scheduled “drug burns,” according to Souto.

Souto admitted that he falsely listed quantities of cocaine to be destroyed during scheduled drug burns. He said he would steal the drugs from the evidence vault during non-operating hours by opening evidence bags, taking out drugs and substituting sugar into the bags before resealing them with tape to conceal the theft.

Souto admitted that he transported the stolen cocaine to a pre-arranged location in Haledon for his co-conspirators to pick up and sell later. For his involvement in the conspiracy, Souto admitted that he received shares of the drug-sale proceeds of at least \$250,000, an amount he agreed to forfeit under the terms of his plea agreement.

The charge to which Souto pleaded guilty ordinarily carries a statutory mandatory minimum sentence of 10 years in prison and up to life in prison, as well a maximum fine of \$4 million. However, the judge determined that certain factors made Souto eligible for the so-called “safety valve” provision that a sentence below the mandatory minimum of 10 years.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all of that time.

Marra credited Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dun, for the investigation of Souto. He also credited for their assistance in the investigation prosecutors and investigators with the Passaic County Prosecutor’s Office, under the direction of Prosecutor James F. Avigliano, and investigators with the Passaic County Sheriff’s Department, under the direction of Sheriff Jerry Speziale.

The case was prosecuted by Assistant U.S. Attorney Christopher J. Gramiccioni of the U.S. Attorney’s Office Special Prosecutions Division.

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Defense counsel: Miles R. Feinstein, Esq. and Patrick J. Caserta, Esq.